

## **REMARKS**

The present Amendment is in response to the Office Action. Claims 1 and 6 are amended herein, and new claims 7-11 are added herein. Claims 1-11 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. General Considerations**

#### **A. Claim Amendments**

With particular reference to the claim amendments, Applicants note that while claims 1 and 6 have been amended herein, such amendments have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicants, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicants hereby reserve the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicants submit that neither the claim amendments set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicants in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

#### **B. Remarks**

Applicants respectfully note that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicants have broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicants, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

Applicants note as well that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made

by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teachings and purported prior art status of the cited references at any appropriate time.

## **II. Requirement for New Declaration**

The Examiner has stated that a new declaration is required in light of various informalities in the originally filed declaration. In light of the new declaration submitted herewith, Applicants respectfully submit that this requirement has been satisfied and should be withdrawn.

## **III. Rejection Under 35 U.S.C. § 112, Second Paragraph**

The Examiner has rejected claim 6 under 35 U.S.C. § 112, Second Paragraph for indefiniteness. In particular, the Examiner has asserted that "It is unclear what is meant by the substrate forms a part of a rigid-flexible-rigid circuit carrier." *Office Action, page 3*. The Examiner has also rejected claim 6 under 35 U.S.C. § 112, Second Paragraph for incompleteness. In particular, the Examiner has asserted that "Claim 6 is rejected...as being incomplete for omitting essential elements, such omission amounting to a gap between the elements." *Id.* Applicants respectfully disagree, but submit that in light of the amendment to claim 6 herein, the rejection has been overcome and should be withdrawn.

## **IV. Rejections Under 35 U.S.C. § 102**

Applicants respectfully note that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *Manual of Patent Examining Procedure ("MPEP") § 2131*.

The Examiner has rejected claims 1-5 under 35 U.S.C. § 102(e)<sup>1</sup> as being anticipated by United States Patent No. 5,617,495 to Funabashi et al. ("*Funabashi*"). For at least the reasons set forth below, Applicants respectfully disagree.

Applicants have amended claim 1 herein to recite, among other things: "an integrated component unit mounted on said mounting surface, said integrated component unit comprising: a solid body defining at least first and second surfaces; an electro-optical component mounted on the first surface; and a lens formed on the second surface..." *Emphasis added*. Support for this amendment can be found at least in Figures 1, 2A, 2B, and 3, and in column 3, line 66 – column 4, line 2.

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<sup>1</sup> Because *Funabashi* is only citable under 35 U.S.C. § 102(e) Applicants do not admit that *Funabashi* is in fact prior art to the claimed invention but reserve the right to swear behind *Funabashi* if necessary to remove it as a reference.

In contrast, however, the device shown in Figure 2 of *Funabashi* does not appear to include the "solid body" element of amended claim 1. In particular, the device shown in Figure 2 of *Funabashi* does not appear to include a "solid body defining at least first and second surfaces" with the "laser diode 41" mounted on the first surface and the "focusing lens 44" formed on the second surface, as required by amended claim 1. Instead, the "laser diode 41" of *Funabashi* appears to be separated from the "focusing lens 44" by empty space, as shown in Figure 2 of *Funabashi*. Further, instead of being mounted to a "solid body" in one side of which a "lens" is formed resulting in relatively simple alignment between the "laser diode 41" and the "focusing lens 44," *Funabashi* teaches that "it is difficult to adjust a focusing point by alignment of a position of a focusing lens 44 or an optical semiconductor laser diode 41." *Col. 4, lines 26-30 (emphasis added)*.

In summary, inasmuch as the Examiner has not demonstrated that *Funabashi* expressly teaches or otherwise suggests the "solid body" element required by amended claim 1, Applicants respectfully submit that the rejections of claim 1 and of claim 2-5, which each depend from claim 1, should be withdrawn.

#### V. New Claims 7-11

By this paper, Applicants have added new claims 7-11. Claims 7-11 are believed to be in allowable condition at least for the same reasons discussed above with respect to claim 1.

#### VI. Fee Payment

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to **Deposit Account No. 23-3178**: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to **Deposit Account No. 23-3178**.

**CONCLUSION**

In view of the remarks submitted herein, Applicants respectfully submit that each of the pending claims 1-6 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 21<sup>st</sup> day of November 2008.

Respectfully submitted,  
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